



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Forty-fifth Meeting Day

Tuesday Morning

April 24, 2007

Although the Senate was scheduled to meet Monday, April 23, session was cancelled so that members could attend the funeral for Senator Skinner's daughter.

The Senate convened at 9:06 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Robert J. Deig.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker <input type="checkbox"/>
Drozda	Rogers
Errington	Simpson <input type="checkbox"/>
Ford	Sipes
Gard	Skinner <input type="checkbox"/>
Heinold	Smith
Hershman	Steele
Howard	Tallian
Hume	Walker
Jackman	Waltz
Kenley <input type="checkbox"/>	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 455: present 46; excused 4. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 334 and that said Motion be withdrawn.

HEINOLD

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 463 and that a conference committee be appointed to confer with a like committee of the House.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 339 and that a conference committee be appointed to confer with a like committee of the House.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 537 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 106

Senate Concurrent Resolution 106, introduced by Senators Wyss, Broden, Zakas, and Ford:

A CONCURRENT RESOLUTION honoring Bishop John Michael D'Arcy.

Whereas, Bishop D'Arcy celebrated 50 years as a priest on February 2, 2007;

Whereas, Bishop D'Arcy, the son of Irish immigrants Margaret and Michael D'Arcy, was born on August 18, 1932, in Boston, Massachusetts;

Whereas, Bishop D'Arcy began preparation for the priesthood in September 1949, at Saint John's Seminary in Brighton, Massachusetts and was ordained a priest on February 2, 1957;

Whereas, Bishop D'Arcy studied in Rome at the Angelicum from 1965 to 1968 and received his doctorate in spiritual theology in 1968;

Whereas, Bishop D'Arcy served as a parish priest in the Boston area for nine years; and, in February 1975, was ordained an assistant bishop for the Archdiocese of Boston;

Whereas, Bishop D'Arcy also served as the diocese's vicar for spiritual development;

Whereas, Bishop D'Arcy was appointed the eighth Bishop of Fort Wayne-South Bend on February 26, 1985, and installed on May 1, 1985;

Whereas, During his time as Bishop of the Fort Wayne-South Bend diocese, Bishop D'Arcy has shown a strong interest in education and young people, strengthening elementary and high schools by raising salaries to retain skilled teachers;

Whereas, Bishop D'Arcy has helped the colleges within the diocese implement the 1990 Vatican guidelines by putting the local bishop in charge of ensuring Catholic colleges and their theologians teach in accordance with church beliefs;

Whereas, Bishop D'Arcy has stated that his priorities as bishop include "placing highly qualified priests, strengthening parish life, promoting prayer and the sacraments, and reaching out to young people"; and

Whereas, Bishop D'Arcy dedicates his life to God each day and describes the priesthood as "an extraordinary gift": Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Bishop John D'Arcy on his 50 years in the priesthood and thanks him for his 20 years of dedicated service to the diocese of Fort Wayne-South Bend and for his dedication and devotion to the spiritual, emotional, and physical well being of the members of the diocese and the citizens of the area.

SECTION 2. That a copy of this resolution be transmitted by the Secretary of the Senate to Bishop John D'Arcy and the diocese of Fort Wayne-South Bend.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives GiaQuinta, Bell, and Bauer.

House Concurrent Resolution 78

House Concurrent Resolution 78, sponsored by Senator Heinold:

A CONCURRENT RESOLUTION congratulating the Plymouth High School boys basketball team.

Whereas, The Plymouth Pilgrims are the Indiana High School Athletic Association (IHSAA) Class 3A state champions for a second time, beating Evansville Bosse, 72-61;

Whereas, The victory capped off a 25-2 season for 34th year head coach Jack Edison;

Whereas, The Pilgrims opened up a 30-16 lead at halftime, allowing Evansville Bosse to score only six points in the first quarter, and never let the Bulldogs get closer than seven points in the second half;

Whereas, Plymouth's scoring defense ranked second in the state this year;

Whereas, Plymouth hit 17 of 22 shots from the free throw line;

Whereas, Plymouth junior Randy Davis had 28 points and four rebounds, and senior Jared Wendel added 20 points;

Whereas, Together Plymouth and Evansville Bosse set a new Class 3A state finals record for most combined points in a quarter, with 55; Bosse had 30 points, and Plymouth scored 25 points in the fourth quarter;

Whereas, Senior Jason Renz was named the winner of the Arthur L. Trester Mental Attitude Award; and

Whereas, Excellence on the athletic field, as well as in the classroom, deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Plymouth High School boys basketball team on its IHSAA Class 3A state championship and wishes team members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members, head coach Jack Edison, principal Richard Tobias, and superintendent Dr. John Hill.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 53

Senate Resolution 53, introduced by Senator Heinold:

A SENATE RESOLUTION to congratulate Adam Pflugshaupt on winning the Arthur L. Trester Mental Attitude Award.

Whereas, Members of the IHSAA Executive Committee present the Arthur L. Trester Award to the outstanding senior participant in each classification of the boys' basketball state finals. The

recipients of this award, who are nominated by their principals and coaches, must excel in mental attitude, scholarship, leadership and athletic ability in basketball;

Whereas, Oregon-Davis senior Adam Pflugshaupt ranks at the very top of his senior class of 52 students at Oregon-Davis. He has a 4.05 GPA and plans to pursue a career in mechanical engineering;

Whereas, Adam Pflugshaupt is a member of the National Honor Society and has served as secretary of this organization for three years. In addition, throughout all four years of high school, Adam has also held the position of class vice president. He is a 10-year 4-H club member and has served as president of the local chapter and vice president of the county chapter; and

Whereas, Adam Pflugshaupt simultaneously competed in three sports for two of his four years at Oregon-Davis, including basketball, baseball and cross country. His athletic achievements culminated with a Class A Boys Basketball Championship and the Arthur L. Trester Mental Attitude Award: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates Adam Pflugshaupt on winning the Arthur L. Trester Mental Attitude Award and wishes him continued success in the future.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Oregon-Davis School Corporation Superintendent William Rentschler, Coach Travis Hannah, Adam Pflugshaupt and his family.

The resolution was read in full and adopted by voice vote.

Senate Resolution 51

Senate Resolution 51, introduced by Senator Smith:

A SENATE RESOLUTION to honor the East Chicago Central High School boys basketball team upon their winning the 4A State Championship.

Whereas, The East Chicago Central High School Cardinals won the 2007 IHSAA Boys 4A Basketball in a well-fought and exciting championship game;

Whereas, The championship victory was the culmination of an outstanding season where the Cardinals went 23-3;

Whereas, East Chicago Central defeated the North Central Panthers from Indianapolis in the championship game 87-83, avenging a loss to that team earlier in the year;

Whereas, Coach Pete Trgovich, a former standout player on the 1971 championship team, brought home the 2007 title in only his second year as head-coach;

Whereas, The Cardinals' best asset throughout the season and tournament was their team defense;

Whereas, Star player and future Purdue Boilermaker, E'Twaun Moore scored 28 points to lead the East Chicago Central and earned the All-State Tournament MVP Award;

Whereas, Teammates Angel Garcia and Kawaan Short were also named to the first team All-State Tournament Team in honor of their outstanding play;

Whereas, Sophomore Darrel Conner, the second-smallest player on the court, played a critical 15 minutes and hit a huge three-pointer in the final minutes to help secure the win; and

Whereas, The East Chicago Central Cardinals, in their winning the first state basketball title since the school opened in 1986, provide an excellent example for their fellow students and community: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate hereby honors the East Chicago Central High School boys basketball team upon their winning the 4A State Championship.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Coach Pete Trgovich, East Chicago Central High School Principal Darnell Adell, School City of East Chicago Superintendent Dr. Juan Anaya, and each player on the East Chicago Central Championship team.

The resolution was read in full and adopted by voice vote.

Senate Resolution 50

Senate Resolution 50, introduced by Senator Smith:

A SENATE RESOLUTION to honor E'Twaun Moore of East Chicago Central High School.

Whereas, E'Twaun Moore will graduate from East Chicago Central High School after a distinguished athletic and academic career;

Whereas, Mr. Moore lead his team to the ultimate achievement, a State Championship;

Whereas, Mr. Moore was named by the Northwest Indiana Times as its Player of the Year;

Whereas, Mr. Moore is highly regarded for his commitment to education and community involvement;

Whereas, Mr. Moore scored 28 points in the championship game and earned the All-State Tournament MVP Award;

Whereas, Mr. Moore was awarded the Arthur L. Trester Mental

Attitude Award because of his unselfish play and team-first attitude; and

Whereas, Mr. Moore will be attending Purdue University in the fall and, with three other members of the Indiana All-Star Basketball Team, continue his contribution to the tradition of Indiana state basketball: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate hereby honors E'Twaun Moore of East Chicago Central High School.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to E'Twaun Moore.

The resolution was read in full and adopted by voice vote.

Senate Resolution 54

Senate Resolution 54, introduced by Senator Waltz:

A SENATE RESOLUTION to honor Roberta Sipe as the Indiana, Midwest, and National Elementary Physical Education Teacher of the Year.

Whereas, Roberta Sipe has been an outstanding educator for 23 years. Having taught at various levels throughout her career, including high school for nine years, middle school for ten years, and one semester at Franklin College, Mrs. Sipe and is now in her fourth year as an elementary teacher at Rosa Parks-Edison Elementary School (RPE) in Perry Township, in Marion County;

Whereas, Mrs. Sipe is very passionate about teaching physical fitness and nutrition to young children. At RPE, she has been a great collaborator with all teachers in developing unique school-wide curriculum integration projects;

Whereas, Mrs. Sipe created intensive, one week, interdisciplinary units where all classroom teachers are involved and create lessons around a single theme. These mini lessons are aligned with health standards and give other classroom teachers an opportunity to capitalize on current events;

Whereas, As a result of Mrs. Sipe's mini lessons, students are challenged to demonstrate competency in motor skill development patterns through her sequential, balanced curriculum. All the while, Mrs. Sipe instills the love of fitness and fairness through game play;

Whereas, Mrs. Sipe serves as a coordinator for the RPE Fighters Against Drugs Everywhere (FADE) organization which teaches students about choosing a healthy lifestyle without drugs and tobacco. In addition, Mrs. Sipe also meets regularly with 4th and 5th grade students to discuss drug awareness and plan school wide drug prevention incentives;

Whereas, Mrs. Sipe has also helped the staff at RPE live

healthier lifestyles by encouraging them to be aware of their daily physical activity and offering helpful suggestions on how to become more active; and

Whereas, Roberta Sipe has been nominated for many accolades by her peers. The American Alliance for Health, Physical Education, Recreation & Dance and the National Association of Sport & Physical Education recognized Roberta as the 2007 Elementary Physical Education Teacher of the Year in Indiana, the Midwest, and at the National level: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate recognizes Roberta Sipe for her dedication to the health and fitness of students and congratulates her on being named the Indiana, Midwest, and National Elementary Physical Education Teacher of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Metropolitan School District of Perry Township Superintendent Dr. Douglas Williams, Rosa Parks-Edison Elementary School Principal Gary Robinson, and Roberta Sipe.

The resolution was read in full and adopted by voice vote.

Senate Resolution 52

Senate Resolution 52, introduced by Senator Mrvan:

A SENATE RESOLUTION to honor St. Paul's Evangelical Lutheran Church of Munster, Indiana upon the 125th anniversary of its founding.

Whereas, St. Paul's Evangelical Lutheran Church is today one of the largest Lutheran churches in Lake County and provides a wide variety of spiritual, educational and outreach services to its members;

Whereas, The Church was founded in 1882 in Hammond, Indiana to serve the spiritual needs of the rising population of German settlers in the region;

Whereas, The Church owes a great debt to its founding pastor, the Reverend Herman Wunderlich, whose example of leadership is ably followed by current ministers Dr. Eric C. Stumpf and Donald E. Stock;

Whereas, The Church has enjoyed many successes including the establishment of a Christian Day School and a Christian Life Center;

Whereas, The Church supports missionary activities and higher education as well as participating in many social service activities that benefit the less fortunate of the community; and

Whereas, The longevity and continual success of St. Paul's Evangelical Lutheran Church deserve recognition and praise:

Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana State Senate hereby honors St. Paul's Evangelical Lutheran Church of Munster, Indiana upon the 125th anniversary of its founding.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Senior Pastor Dr. Eric C. Stumpf and Associate Pastor Donald E. Stock.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 104

Senate Concurrent Resolution 104, introduced by Senator R. Young:

A CONCURRENT RESOLUTION memorializing former Congressman James P. Jontz.

Whereas, Jim Jontz became, at age 22, one of the youngest people ever elected to the General Assembly;

Whereas, Mr. Jontz served in the Indiana House of Representatives from 1974 to 1984 and the Indiana Senate from 1984 to 1988;

Whereas, Mr. Jontz was elected to the U.S. House of Representatives in 1988 and 1990 where he championed labor and environmental causes;

Whereas, Mr. Jontz, in each of his positions, fostered a personal style of politics that brought him frequent contact with his constituents and a dedication to popular causes;

Whereas, Mr. Jontz focused his energy on fighting corruption and other forms of governmental largesse;

Whereas, Mr. Jontz is best known for his activities as an environmentalist and was a leader in developing ties between labor organizations and environmental groups;

Whereas, Mr. Jontz pursued his passion for the environment after leaving government by directing the Western Ancient Forest Campaign as well as helping begin the Alliance for Sustainable Jobs and the Environment;

Whereas, Mr. Jontz was a dynamic leader as president of Americans for Democratic Action; and

Whereas, Mr. Jontz will be fondly remembered for the passion he brought to issues and the collegial way he pursued those goals:
Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. The Indiana State Senate hereby memorializes James P. Jontz.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this resolution to Mr. Jontz's family.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Day.

SENATE MOTION

Madam President: I move that Senators Alting, Arnold, Becker, Boots, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 104.

R. YOUNG

Motion prevailed.

Senate Resolution 55

Senate Resolution 55, introduced by Senator Gard:

A SENATE RESOLUTION urging the Legislative Council to direct the Environmental Quality Service Council or other appropriate committee to study the issue of stormwater fees.

Whereas, The issue of equity of funding for stormwater fees between political subdivisions requires more in-depth study, which can be accomplished during the interim: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to direct the Environmental Quality Service Council or other appropriate committee to study the issue of stormwater fees.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has concurred with the Senate amendments to Engrossed House Bills 1339, 1376, 1406, and 1633.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 73, 74, 75, and 76 and the same are herewith transmitted for further action.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 89 and 100 and the same are herewith returned to the Senate.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 134:

Conferees:
Tyler and T. Brown
Advisors:
Mays and Frizzell

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 113:

Conferees:
Reske and Cherry
Advisors:
Moses and Elrod

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 104:

Conferees:
Summers and Walorski
Advisors:
Crawford and Stutzman

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 49:

Conferees:
Kuzman and Foley
Advisors:
Pierce and Burton

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 44:

Conferees:
Lawson and Foley
Advisors:
Dvorak and Pond

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 220:

Conferees:
GiaQuinta and Stutzman
Advisors:
Austin, Niezgodski, and Dodge

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 232:

Conferees:
Pierce and Foley
Advisors:
Bardon and Ulmer

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 261:

Conferees:
Dembowski and Dermody
Advisors:
Pelath and Friend

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 293:

Conferees:
Pierce and Richardson

Advisors:

Oxley and Lehe

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 310:

Conferees:

Grubb and Richardson

Advisors:

E. Harris, Oxley, and Borders

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 328:

Conferees:

Welch and Bell

Advisors:

Summers, Robertson, and Noe

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 329:

Conferees:

Welch and Bell

Advisors:

Dembowski, Hoy, and Richardson

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 334:

Conferees:

Moses and Walorski

Advisors:

Reske and Neese

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the

Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 390:

Conferees:

Bardon and Koch

Advisors:

Summers and Elrod

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 412:

Conferees:

Micon and Walorski

Advisors:

E. Harris and Foley

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 416:

Conferees:

Dembowski and Saunders

Advisors:

Oxley, Mays, Niezgodski, Buell, and M. Smith

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 431:

Conferees:

Pflum and Friend

Advisors:

Goodin, Cheatham, Niezgodski, Lehe, Knollman, and Saunders

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 450:

Conferees:

Stemler and Crouch

Advisors:

Day and T. Brown

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 461:

Conferees:

Reske and Murphy

Advisors:

Crooks and Ruppel

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 480:

Conferees:

Reske and McClain

Advisors:

GiaQuinta, Stilwell, Avery, Buell, and Soliday

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 536:

Conferees:

Austin and Borror

Advisors:

Kersey and Dermody

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 550:

Conferees:

Welch and Crouch

Advisors:

Grubb and Dodge

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like

committee of the Senate on Engrossed House Bill 1824:

Conferees:

Pelath, Chair

Lutz

Advisors:

Crooks, Grubb, Whetstone, and Crouch

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1608:

Conferees:

Van Haaften, Chair

Crouch

Advisors:

Stilwell and Bell

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1510:

Conferees:

Van Haaften, Chair

Whetstone

Advisors:

Pelath and Bosma

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1457:

Conferees:

Klinker, Chair

Thompson

Advisors:

Day and Walorski

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1437:

Conferees:

V. Smith, Chair

Foley
Advisors:
Reske and Thomas

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1348:

Conferees:
Welch, Chair
Koch
Advisors:
C. Brown, Battles, Turner, and T. Harris

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1067:

Conferees:
Crooks, Chair
Noe
Advisors:
Moses, GiaQuinta, Bosma, and Buell

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1019:

Conferees:
Summers, Chair
Duncan
Advisors:
Klinker and Foley

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1046:

Conferees:
Pierce, Chair
Murphy
Advisors:
Dickinson and Koch

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1115:

Conferees:
Kersey, Chair
Duncan
Advisors:
Tincher, Stutzman, and Davis

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1410:

Conferees:
Hoy, Chair
Knollman
Advisors:
Porter and Koch

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1425:

Conferees:
Austin, Chair
Cherry
Advisors:
Grubb, Niezgodski, and Davis

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1426:

Conferees:
Austin, Chair
Neese
Advisors:
Mays and T. Harris

CLINTON MCKAY
Principal Clerk of the House

April 24, 2007

Senate 1151

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1503:

Conferees:

Orentlicher, Chair

T. Harris

Advisors:

Summers, Bardon, and T. Brown

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1659:

Conferees:

Austin, Chair

Soliday

Advisors:

Mays, Niezgodski, and Buck

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1274:

Advisor:

Tincher

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1192:

Conferees:

Hoy, Chair

Ulmer

Advisors:

Dvorak, Lawson, and Wolkins

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1291 and 1428 and are eligible for enrollment.

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 78 and the same is herewith transmitted for further action.

CLINTON MCKAY

Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 32, 43, 62, 69, 70, 76, 77, 78, 79, 85, 86, 87, 88, 93, 94, 98, 99, and 102 and the same are herewith returned to the Senate.

CLINTON MCKAY

Principal Clerk of the House

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 20th day of April, 2007, signed Senate Enrolled Acts: 30, 38, 68, 88, 93, 114, 123, 129, 155, 180, 181, 208, 229, 254, 276, 311, 312, 315, 316, 327, 331, 333, 342, 357, 371, 372, 377, 408, 445, 448, 451, and 553.

REBECCA S. SKILLMAN

Lieutenant Governor

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on April 19, 2007, signed House Enrolled Acts: 1726, 1653, 1382, 1373, and 1305 and Senate Enrolled Acts: 190, 411, and 526.

DAVID C. LONG

President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on April 17, 2007, signed Senate Enrolled Acts: 38, 93, 129, 254, 276, 315, 311, 312, 327, 331, 342, 371, 408, 434, 445, 451, 489, 490, 529, and 557.

DAVID C. LONG

President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on April 19, 2007, signed House Enrolled Acts: 1017, 1042, 1059, 1060, 1085, 1193, 1210, 1211, 1241, 1264, 1306, 1338, 1378, 1388, 1468, 1480, 1508, and 1742.

DAVID C. LONG

President Pro Tempore

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 339:

Conferees: Merritt, Chair and Lanane

Advisors: Alting, Becker, Broden, and Simpson

LONG

Date: 4/19/2007

Time: 1:50 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 537:

Conferees: Kruse, Chair and Lewis

Advisors: M. Young and Deig

LONG

Date: 4/18/2007

Time: 4:05 p.m.

Report adopted.

9:35 a.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:12 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1767:

Conferees:

V. Smith, Chair

M. Smith

Advisors:

Grubb, Cheatham, and Borrer

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like

committee of the Senate on Engrossed Senate Bill 561:

Conferees:

Lawson and Wolkins

Advisors:

Moses, Tyler, Leonard, and Buell

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 165:

Conferees:

Orentlicher and T. Harris

Advisors:

Mays, Cheney, and Wolkins

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1237:

Conferees:

Welch, Chair

Torr

Advisors:

Niezgodski and Duncan

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 125:

Conferees:

Kuzman and Elrod

Advisors:

Austin and Ulmer

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 45:

Conferees:

Lawson and Foley

Advisors:

Tyler and Ulmer

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1429 and is eligible for enrollment.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1424.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1427.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1214.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 106.

CLINTON MCKAY
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Resolution 44

Senate Resolution 44, introduced by Senator Landske:

A SENATE RESOLUTION recognizing Special Olympics Week in the State of Indiana.

Whereas, Special Olympics was founded in 1968 by Eunice Kennedy Shriver to give children and adults with intellectual disabilities an opportunity to compete in sports and physical activities and to achieve a great level of success;

Whereas, Special Olympics Indiana provides year-round sports training and competition programs for children and adults with intellectual disabilities, reaching more than 12,000 athletes in Indiana;

Whereas, More than 2,200 Special Olympics athletes and nearly 2,000 volunteers from across the State of Indiana will participate

June 1-3, 2007, in the Special Olympics Indiana Summer Games at Indiana State University;

Whereas, Approximately 10,000 Special Olympics Indiana volunteers throughout the State of Indiana are always ready to support Special Olympics athletes and cheer them on; and

Whereas, The Indiana Senate recognizes the Proclamation of Governor Mitch Daniels declaring the week of May 27 to June 3, 2007 as Special Olympics Week in the State of Indiana: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate recognizes Special Olympics Week in the State of Indiana.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Special Olympics Indiana.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 80

House Concurrent Resolution 80, sponsored by Senator Hershman:

A CONCURRENT RESOLUTION congratulating the Frontier livestock judging team on its victory at the Southeastern National Livestock Judging Contest.

Whereas, Participation on a livestock judging team gives young people the opportunity to learn the skill of livestock evaluation and to express their opinions through oral presentation;

Whereas, Livestock judging team members learn to apply scientific principles of animal growth, evaluation, and selection to different types of animals and to analyze breeding and market classes of beef cattle, swine, and sheep;

Whereas, Livestock judging competitions are held throughout the United States, challenge the team members, and determine the knowledge and communication skills that the team members have obtained;

Whereas, There are three levels in livestock judging competitions - area, state, and national;

Whereas, Under the direction of John Culver, the Frontier judging team worked diligently;

Whereas, The team placed first in the area competition with Courtney Wesner finishing first, Carly Wesner finishing third, Jake Sullivan finishing fourth, and Bailey Wesner finishing ninth;

Whereas, In order to advance to the national competition, a team must be one of the top six teams in the state competition, and the Frontier judging team finished fifth;

Whereas, The team members' hard work and dedication paid off when they were victorious at the Southeastern National Livestock Judging Contest in Raleigh, North Carolina;

Whereas, The team placed first overall, first in the sheep division, first in the beef division, second in the swine division, and first in oral reasons;

Whereas, In addition to the team's accomplishment, Courtney Wesner was high individual, first in oral reasons, first in the swine division, and first in the beef division; Carly Wesner placed fourth overall individually, sixth in oral reasons, seventh in the swine division, and third in the beef division; and Bailey Wesner placed sixth in the beef division; and

Whereas, When it comes to preparing future leaders for agriculture and the livestock industry, few forms of educational training can compare with the experience that these young people have gained from participating on the judging team: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Frontier livestock judging team on its victory in the Southeastern National Livestock Judging Contest and wishes the team continued success in all its future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Courtney Wesner, Carly Wesner, Bailey Wesner, and Jake Sullivan, and coach John Culver.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 58

Senate Resolution 58, introduced by Senator Weatherwax:

A SENATE RESOLUTION to congratulate Heidi Hendricks on her induction into the Indiana Swimming and Diving Hall of Fame.

Whereas, Heidi Hendricks demonstrated commitment to her sport from the age four at the Cass County Family Y. Encouraged by her coach Robin Beck, Heidi would wake up every morning at 4:49 a.m. to attend swim practice before school in the pursuit of athletic excellence;

Whereas, As a prep swimmer in Indiana, Heidi Hendricks set records and captured four consecutive high school state titles. She went on to become an All-American at Arizona State University where she captured four more state titles and defeated Summer Sanders, a future Olympic athlete;

Whereas, Upon completion of her collegiate career, Heidi Hendricks embarked on a new level of swimming competition. She coaches Special Olympians in Logansport and continues to inspire all those who bear witness to her accomplishments;

Whereas, Heidi Henricks is an ambassador of her sport, along with Fred Curtis whose 35 years of dedicated love and service to the promotion of Indiana's swimming and diving excellence is worthy of recognition; and

Whereas, Excellence in any endeavor is worthy of recognition. We congratulate Heidi Hendricks on her induction into the Indiana Swimming and Diving Hall of Fame and wish her good luck in all of her future endeavors: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate congratulates Heidi Hendricks on her induction into the Indiana Swimming and Diving Hall of Fame.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Fred Curtis, Tim Hall, Robin Beck, Heidi Hendricks and her family.

The resolution was read in full and adopted by voice vote.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 94, 192, and 534 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

LONG, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF CONFEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 9:

Weatherwax to replace Landske as advisor

LONG

Date: 4/23/2007

Time: 5:56 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the

April 24, 2007

Senate 1155

following senators to serve as Senate conferees (or advisors) on
Engrossed Senate Bill 463:

Conferees: Heinold, Chair and Hume

Advisors: Wyss and Simpson

LONG

Date: 4/23/2007

Time: 6:06 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
CONFEEEE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the
Senate, President Pro Tempore David C. Long has made the
following change in conferee (or advisor) appointments to
Engrossed Senate Bill 520:

Lanane to replace Skinner as conferee

LONG

Date: 4/24/2007

Time: 10:05 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the
Senate, President Pro Tempore David C. Long has appointed the
following senators to serve as Senate conferees (or advisors) on
Engrossed House Bill 1237:

Conferees: Wyss and Rogers

Advisors: Landske and Broden

LONG

Date: 4/24/2007

Time: 11:52 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the
Senate, President Pro Tempore David C. Long has appointed the
following senators to serve as Senate conferees (or advisors) on
Engrossed House Bill 1767:

Conferees: Kenley and Rogers

Advisors: Kruse and Smith

LONG

Date: 4/24/2007

Time: 11:53 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the
Senate, President Pro Tempore David C. Long has appointed the
following senators to serve as Senate conferees (or advisors) on
Engrossed House Bill 1767:

Advisors: Lewis and Hershman

LONG

Date: 4/24/2007

Time: 2:25 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the
Senate, President Pro Tempore David C. Long has appointed the
following senators to serve as Senate conferees (or advisors) on
Engrossed House Bill 1824:

Conferees: Hershman and Rogers

Advisors: Gard and Tallian

LONG

Date: 4/24/2007

Time: 11:55 a.m.

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 76

House Concurrent Resolution 76, sponsored by Senators Mishler,
Weatherwax, Dillon, and Meeks:

A CONCURRENT RESOLUTION recognizing Avis B. Gunter
on the occasion of her retirement.

*Whereas, Avis B. Gunter, a lifelong resident of Kosciusko
County, has dedicated countless hours and years of service to the
citizens of Kosciusko County;*

*Whereas, Avis B. Gunter will retire at the end of 2007 after
having served Kosciusko County for more than 43 years;*

*Whereas, Avis B. Gunter served as the Kosciusko County
Assessor for 31 years and became known throughout the county for
her dedication to the county;*

*Whereas, Avis B. Gunter always strove to be totally prepared for
her duties as assessor, attaining her Level I and Level II*

certification long before it was a requirement;

Whereas, In addition to her duties as assessor, Avis B. Gunter served as president of the Indiana County Assessors Association and as a Kosciusko County Commissioner for 12 years;

Whereas, Avis B. Gunter has served on the Drainage Board and the Solid Waste Board;

Whereas, Avis B. Gunter has been active in the Kosciusko County Foundation, the Kosciusko County Historical Society, the Kosciusko Community Hospital Board, Home Health Care, United Way, the Kosciusko County Extension Homemakers, the Warsaw Community Development Corporation, and the Melloairs singing group;

Whereas, A dedicated member of the Claypool United Methodist Church, Avis B. Gunter plays piano in church and has dedicated many hours to the Friday night meal program and the women's organization; and

Whereas, Avis B. Gunter believes that government employees should give their all to ensure that the taxpayers' work is completed in a timely and accurate manner, and the citizens of Kosciusko County will miss her greatly: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly expresses its gratitude to Avis B. Gunter for her years of dedicated service on the occasion of her retirement and to wish her continued success and happiness in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Avis B. Gunter and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 79

House Concurrent Resolution 79, sponsored by Senator Alting:

A CONCURRENT RESOLUTION honoring President Gerald I. Lamkin.

Whereas, Gerald I. Lamkin will step down as President of Ivy Tech Community College on June 30, 2007;

Whereas, President Lamkin has guided Ivy Tech Community College from a vocational school to Indiana's community college, serving over 100,000 students annually and offering more than 150

degree programs;

Whereas, President Lamkin took over the reins of Ivy Tech Community College on January 1, 1983, making him the longest standing current president of a public institution of higher education in Indiana;

Whereas, President Lamkin has been a member of the Ivy Tech staff in various capacities since 1967, when he began as an accounting and management instructor for the Indianapolis campus;

Whereas, For the next five years, President Lamkin served as the Accounting and Management Chair, Director of Education, Business Manager, and Director of Community Services for the Indianapolis campus and as Director of Development for the Anderson, Marion, and Muncie campuses;

Whereas, In 1972, President Lamkin was named Vice President of the college and Dean for the Anderson, Connersville, Marion, Muncie, and Richmond campuses, a position he held for seven years;

Whereas, In 1979, President Lamkin was named Vice President for Regional Operations, a position he held until being named President in 1983;

Whereas, Under President Lamkin's leadership, Ivy Tech has seen its enrollment increase by over 300% to nearly 106,000 students annually, making Ivy Tech the second largest postsecondary institution in Indiana;

Whereas, President Lamkin has seen the contributions to the Ivy Tech Foundation increase from just over \$350,000 to over \$13.5 million and the total net assets managed by the Foundation have increased from \$1.24 million to over \$46.7 million;

Whereas, As President of Ivy Tech Community College, Gerald Lamkin has always sought to provide Hoosiers access to affordable education;

Whereas, During his tenure, Ivy Tech has consistently had the state's lowest tuition, and the support for Ivy Tech in communities around Indiana has helped the college increase the number of buildings owned or leased from 153 in 1983 to 216 buildings today, an increase of over 40 percent;

Whereas, President Lamkin began his tenure at Ivy Tech when the school was named Indiana Vocational Technical College; in 1995 the school became Ivy Tech State College;

Whereas, In 2005, Governor Mitch Daniels signed Senate Bill 296, making Ivy Tech Indiana's community college and changing the name to Ivy Tech Community College;

Whereas, President Lamkin has received numerous awards and recognitions for his dedication and service to his community, including a Sagamore of the Wabash award from Governors Robert D. Orr, Evan Bayh, Frank O'Bannon, and Joseph Kernan, the Shirley B. Gordon Distinguished College Presidents' Award, and the Alumnus of the Year Award from Indiana University. In addition, President Lamkin is a member of the Phi Theta Kappa International Honor Society of the Two-Year College, and the Order of Kentucky Colonels; and

Whereas, President Lamkin stands as a shining example of a man whose devotion to education and young people has helped more than 750,000 Hoosiers gain access to higher education since 1983: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks Gerald I. Lamkin for his dedication and devotion to higher education and the citizens of Indiana and wishes him happiness and prosperity in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to President Gerald I. Lamkin and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Arnold, Becker, Boots, Bray, Breaux, Broden, Deig, Delph, Dillon, Drozda, Errington, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Walker, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 79.

ALTING

Motion prevailed.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 43.

BRAY

Roll Call 456: yeas 42, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 346.

BRAY

Roll Call 457: yeas 44, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 347.

BRAY

Roll Call 458: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 504.

MILLER

Roll Call 459: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 472.

WYSS

Roll Call 460: yeas 45, nays 0. Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 94-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 94 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, line 15, after "IC 3-6-6-40" insert ", AS AMENDED BY P.L.23-2005, SECTION 16,".

Page 6, delete lines 12 through 19, begin a new paragraph and insert:

"(d) In all written examinations to determine the qualifications of applicants for entrance into state service:

(1) ten (10) points shall be added to the earned rating of persons taking **the** competitive examination under subsection (c)(1) or (c)(2);

(2) five (5) points shall be added to the earned ratings of persons taking **the** competitive examination under subsection (c)(3); and

(3) two (2) points shall be added to the earned rating of persons taking **the** competitive examination under subsection (c)(4)."

Page 8, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 9. IC 4-15-12-1, AS AMENDED BY SEA 526-2007, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Affected class" means:

- (1) minorities;
- (2) women;
- (3) persons with disabilities; and
- (4) persons forty (40) years of age and older.

"Affirmative action policy" means the state's affirmative action policy established in section 2 of this chapter.

"Persons with disabilities" means all persons who by reason of physical or mental ~~defect~~ **disability** are unable to achieve full vocational participation.

"Minorities" means persons identified as Blacks, Native Americans, Asian Americans, and Hispanics.

"Office" means the Indiana affirmative action office created by this chapter.

"State agency" means any department, agency, commission, division, authority, board, bureau, or office of the state under the executive authority of the governor, except any state educational institution.

"Underutilization" means having fewer members of an affected class in a particular job category and classification than would be reasonably expected by their availability in the labor market for that job category and classification."

Page 9, delete lines 1 through 9.

Page 10, delete lines 12 through 16, begin a new paragraph and insert:

"SECTION 11. IC 5-1-16-1, AS AMENDED BY SEA 524-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana finance authority."

Page 49, delete lines 5 through 42.

Page 50, delete lines 1 through 11.

Page 64, delete lines 38 through 42.

Page 65, delete lines 1 through 27.

Page 71, delete lines 25 through 32, begin a new paragraph and insert:

"SECTION 89. IC 12-12-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The director shall organize the bureau in the manner necessary to carry out the bureau's duties. However, the bureau must include the following:

- (1) The unit of services for ~~the individuals who are~~ blind and **individuals who are** visually impaired.
- (2) The unit of vocational rehabilitation.
- (3) The unit of services for ~~the individuals who are~~ deaf and **individuals who are** hard of hearing."

Page 78, delete lines 33 through 42, begin a new paragraph and insert:

"SECTION 102. IC 12-21-2-3, AS AMENDED BY SEA

526-2007, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) In addition to the general authority granted to the director under IC 12-8-8, the director shall do the following:

- (1) Organize the division, create the appropriate personnel positions, and employ personnel necessary to discharge the statutory duties and powers of the division or a bureau of the division.
- (2) Subject to the approval of the state personnel department, establish personnel qualifications for all deputy directors, assistant directors, bureau heads, and superintendents.
- (3) Subject to the approval of the budget director and the governor, establish the compensation of all deputy directors, assistant directors, bureau heads, and superintendents.
- (4) Study the entire problem of mental health, mental illness, and addictions existing in Indiana.
- (5) Adopt rules under IC 4-22-2 for the following:
 - (A) Standards for the operation of private institutions that are licensed under IC 12-25 for the diagnosis, treatment, and care of individuals with psychiatric disorders, addictions, or other abnormal mental conditions.
 - (B) Licensing supervised group living facilities described in IC 12-22-2-3 for individuals ~~who are mentally ill:~~ **with a mental illness.**
 - (C) Certifying community residential programs described in IC 12-22-2-3 for individuals ~~who are mentally ill:~~ **with a mental illness.**
 - (D) Certifying community mental health centers to operate in Indiana.
 - (E) Establish exclusive geographic primary service areas for community mental health centers. The rules must include the following:
 - (i) Criteria and procedures to justify the change to the boundaries of a community mental health center's primary service area.
 - (ii) Criteria and procedures to justify the change of an assignment of a community mental health center to a primary service area.
 - (iii) A provision specifying that the criteria and procedures determined in items (i) and (ii) must include an option for the county and the community mental health center to initiate a request for a change in primary service area or provider assignment.
 - (iv) A provision specifying the criteria and procedures determined in items (i) and (ii) may not limit an eligible consumer's right to choose or access the services of any provider who is certified by the division of mental health and addiction to provide public supported mental health services.
- (6) Institute programs, in conjunction with an accredited college or university and with the approval, if required by law, of the commission for higher education, for the instruction of students of mental health and other related occupations. The programs may be designed to meet requirements for

undergraduate and postgraduate degrees and to provide continuing education and research.

(7) Develop programs to educate the public in regard to the prevention, diagnosis, treatment, and care of all abnormal mental conditions.

(8) Make the facilities of the Larue D. Carter Memorial Hospital available for the instruction of medical students, student nurses, interns, and resident physicians under the supervision of the faculty of the Indiana University School of Medicine for use by the school in connection with research and instruction in psychiatric disorders.

(9) Institute a stipend program designed to improve the quality and quantity of staff that state institutions employ.

(10) Establish, supervise, and conduct community programs, either directly or by contract, for the diagnosis, treatment, and prevention of psychiatric disorders.

(11) Adopt rules under IC 4-22-2 concerning the records and data to be kept concerning individuals admitted to state institutions, community mental health centers, or managed care providers.

(12) Establish, maintain, and reallocate before July 1, 1996, one-third (1/3), and before January 1, 1998, the remaining two-thirds (2/3) of the following:

(A) long term care service settings; and

(B) state operated long term care inpatient beds; designed to provide services for patients with long term psychiatric disorders as determined by the quadrennial actuarial study under IC 12-21-5-1.5(9). A proportional number of long term care service settings and inpatient beds must be located in an area that includes a consolidated city and its adjacent counties.

(13) Compile information and statistics concerning the ethnicity and gender of a program or service recipient.

(14) Establish standards for each element of the continuum of care for community mental health centers and managed care providers.

(b) As used in this section, "long term care service setting" means the following:

(1) The anticipated duration of the patient's mental health setting is more than twelve (12) months.

(2) Twenty-four (24) hour supervision of the patient is available.

(3) A patient in the long term care service setting receives:

(A) active treatment if appropriate for a patient with a chronic and persistent mental disorder or chronic addictive disorder;

(B) case management services from a state approved provider; and

(C) maintenance of care under the direction of a physician.

(4) Crisis care is available.

(c) Funding for services under subsection (a)(12) shall be provided by the division through the reallocation of existing appropriations. The need of the patients is a priority for services. The division shall adopt rules to implement subsection (a)(12)

before July 1, 1995."

Delete pages 79 through 80.

Page 81, delete lines 1 through 10.

Page 104, delete lines 3 through 33, begin a new paragraph and insert:

"SECTION 156. IC 16-18-2-179, AS AMENDED BY SEA 526-2007, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 179. (a) "Hospital", except as provided in subsections (b) through (g), means a hospital that is licensed under IC 16-21-2.

(b) "Hospital", for purposes of IC 16-21, means an institution, a place, a building, or an agency that holds out to the general public that it is operated for hospital purposes and that it provides care, accommodations, facilities, and equipment, in connection with the services of a physician, to individuals who may need medical or surgical services. The term does not include the following:

(1) Freestanding health facilities.

(2) Hospitals or institutions specifically intended to diagnose, care, and treat the following:

(A) ~~Mentally ill~~ Individuals with a mental illness (as defined in ~~IC 12-7-2-131~~ IC 12-7-2-117.6).

(B) Individuals with developmental disabilities (as defined in IC 12-7-2-61).

(3) Offices of physicians where patients are not regularly kept as bed patients.

(4) Convalescent homes, boarding homes, or homes for the aged.

(c) "Hospital", for purposes of IC 16-22-8, has the meaning set forth in IC 16-22-8-5.

(d) "Hospital", for purposes of IC 16-23.5, has the meaning set forth in IC 16-23.5-1-9.

(e) "Hospital" or "tuberculosis hospital", for purposes of IC 16-24, means an institution or a facility for the treatment of individuals with tuberculosis.

(f) "Hospital", for purposes of IC 16-34, means a hospital (as defined in subsection (b)) that:

(1) is required to be licensed under IC 16-21-2; or

(2) is operated by an agency of the United States.

(g) "Hospital", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 94 as reprinted March 7, 2007.)

Landske, Chair

Van Haften

Broden

Foley

Senate Conferees

House Conferees

Roll Call 461: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 192-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 192 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House

amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-8-1, AS AMENDED BY SEA 526-2007, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" means:

- (A) conduct that causes bodily injury (as defined in IC 35-41-1-4) or damage to property; or
- (B) a threat of conduct that would cause bodily injury (as defined in IC 35-41-1-4) or damage to property.

(2) "County law enforcement agency" includes:

- (A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; **and**
- (B) **school corporation police officers appointed under IC 20-26-16.**

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.

(3) Techniques for handling incidents of abuse that:

- (A) minimize the likelihood of injury to the law enforcement officer; and
- (B) promote the safety of a victim.

(4) Information about the nature and extent of abuse.

(5) Information about the legal rights of and remedies available to victims of abuse.

(6) How to document and collect evidence in an abuse case.

(7) The legal consequences of abuse.

(8) The impact on children of law enforcement intervention in abuse cases.

(9) Services and facilities available to victims of abuse and abusers.

(10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.

(11) Policies concerning arrest or release of suspects in abuse cases.

(12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.

(13) Landlord-tenant concerns in abuse cases.

(14) The taking of an abused child into protective custody.

(15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.

(16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).

(17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2, AS AMENDED BY SEA 526-2007, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

(1) "Abuse" has the meaning set forth in section 1(a) of this chapter.

(2) "City or town law enforcement agency" includes:

- (A) postsecondary educational institution police officers appointed under IC 21-17-5 or IC 21-39-4; **and**
- (B) **school corporation police officers appointed under IC 20-26-16.**

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 5-2-10.1-12, AS AMENDED BY P.L.1-2006, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) Each school within a school corporation shall establish a safe school committee. The committee may be a subcommittee of the committee that develops the strategic and continuous school improvement and achievement plan under IC 20-31-5.

(b) The department of education and the school corporation's school safety specialist shall provide materials to assist a safe school committee in developing a plan for the school that addresses the following issues:

- (1) Unsafe conditions, crime prevention, school violence, bullying, and other issues that prevent the maintenance of a safe school.
- (2) Professional development needs for faculty and staff to implement methods that decrease problems identified under subdivision (1).
- (3) Methods to encourage:
 - (A) involvement by the community and students;
 - (B) development of relationships between students and school faculty and staff; and
 - (C) use of problem solving teams.

(c) As a part of the plan developed under subsection (b), each safe school committee shall provide a copy of the floor plans for each building located on the school's property that clearly indicates each exit, the interior rooms and hallways, and the location of any hazardous materials located in the building to the law enforcement agency and the fire department that have jurisdiction over the school.

SECTION 4. IC 5-10-10-4, AS AMENDED BY SEA 526-2007, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state educational institution police officer appointed under IC 21-39-4.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.
- (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
 - (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.
- (15) A firefighter who is employed by the fire department of a state university.
- (16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.
- (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.
- (18) A gaming agent of the Indiana gaming commission.
- (19) A person who is:
 - (A) employed by a political subdivision (as defined in IC 36-1-2-13); and

(B) appointed as a special deputy under IC 36-8-10-10.6.

(20) A school corporation police officer appointed under IC 20-26-16.

SECTION 5. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 22. The governing body of a school city may establish a police department under IC 20-26-16.**

SECTION 6. IC 20-26-7-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 27.5. (a) Notwithstanding any other law, if:**

(1) as a result of an inspection of a school building under IC 22-14-2-11 that is not an inspection to determine compliance with a legal standard for accreditation, the division of fire and building safety of the department of homeland security determines that there is a violation of a fire safety law at the school building;

(2) the fire safety law that the division determines has been violated at the school building incorporates a standard that:

(A) was not a fire safety law at the time of the construction or renovation of the school building and is being applied retroactively to the building by an employee of the division of fire and building safety; or

(B) previously was not applicable to the building; and

(3) the violation is not a condition that creates an immediate safety hazard and is monitored under daily maintenance and supervision;

the school corporation shall abate the violation before the earlier of one (1) year after the violation determination or six (6) months after the start of the school corporation's next budget year following the violation determination.

(b) The expense of the abatement may be paid out of funds appropriated for such purposes in the budget year following a violation determination under subsection (a).

SECTION 7. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 16. School Corporation Police Departments

Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter.

Sec. 3. The governing body of a school corporation may do the following for the school corporation police department:

(1) Appoint school corporation police officers.

(2) Prescribe the duties and direct the conduct of school corporation police officers.

(3) Prescribe distinctive uniforms.

(4) Provide emergency vehicles.

Sec. 4. An individual appointed as a school corporation police officer must successfully complete at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2007, must complete, not later than July 1, 2010, at least:

(1) the pre-basic training course established under IC 5-2-1-9(f); and

(2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

(1) make an arrest;

(2) conduct a search or a seizure of a person or property;

or

(3) carry a firearm;

unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

Sec. 6. (a) A school corporation police officer appointed under this chapter:

(1) is a law enforcement officer (as defined in IC 5-2-1-2(1));

(2) must take an appropriate oath of office in a form and manner prescribed by the governing body;

(3) serves at the governing body's pleasure; and

(4) performs the duties that the governing body assigns.

(b) School corporation police officers appointed under this chapter have general police powers, including the power to arrest, without process, all persons who within their view commit any offense. They have the same common law and statutory powers, privileges, and immunities as sheriffs and constables, except that they are empowered to serve civil process only to the extent authorized by the employing governing body; however, any powers may be expressly forbidden them by the governing body employing them. In addition to any other powers or duties, such police officers shall enforce and assist the educators and administrators of their school corporation in the enforcement of the rules and regulations of the school corporation, and assist and cooperate with other law enforcement agencies and officers.

(c) Such police officers may exercise the powers granted under this section only upon any property owned, leased, or occupied by the school corporation, including the streets passing through and adjacent to the property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

Sec. 7. A school corporation police department established before July 1, 2007, shall be considered, after June 30, 2007, a school corporation police department established under this chapter.

SECTION 8. IC 20-34-3-20, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. (a) The governing body of a school corporation shall require each school in the governing body's jurisdiction to conduct periodic fire drills during the school year in compliance with rules adopted under IC 4-22-2 by the state board.

(b) Each school and attendance center shall conduct at least:

(1) one (1) tornado preparedness drill; and

(2) one (1) manmade occurrence disaster drill;

during each semester.

~~(b)~~ (c) The governing body of a school corporation shall require each principal to file a certified statement that ~~fire~~ all drills have been conducted as required under this section.

SECTION 9. [EFFECTIVE JULY 1, 2007] (a) **An individual appointed as a school corporation police officer before January 1, 2007, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than January 1, 2008. However, an individual who is unable to begin the training and education not later than January 1, 2008, due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after January 1, 2008.**

(b) An individual appointed as a school corporation police officer after December 31, 2006, and before July 1, 2007, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than one (1) year after the individual's appointment. However, an individual who is unable to begin the training and education within one (1) year after the individual's appointment due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after the expiration of the one (1) year period.

(c) Notwithstanding IC 20-26-16-5, as added by this act, an individual appointed as a school corporation police officer before July 1, 2007, who is unable to complete the training and education required under IC 20-26-16-5, as added by this act, not later than July 1, 2010, due to the existence of a waiting list for the training and education, must complete the training and education as soon as possible after July 1, 2010.

(d) This SECTION expires January 1, 2011.

(Reference is to ESB 192 as reprinted March 7, 2007.)

Lubbers, Chair

Sipes

Senate Conferees

Porter

Behning

House Conferees

Roll Call 462: yeas 46, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 534-1

Madam President: Your Conference Committee appointed to

confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 534 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-17-3-2, AS AMENDED BY P.L.68-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter:

(1) "contestant" means a person, including a parent, who claims a right to custody or parenting time rights with respect to a child;

(2) "custody determination" means a court decision and court orders and instructions providing for the custody of a child, including parenting time rights; it does not include a decision relating to child support or any other monetary obligation of any person;

(3) "custody proceeding" includes proceedings in which a custody determination is one of several issues, such as an action for dissolution of marriage, but does not include child in need of services, **voluntary termination of a parent-child relationship, or adoption** proceedings;

(4) "decree" or "custody decree" means a custody determination contained in a judicial decree or order made in a custody proceeding, and includes an initial decree and a modification decree;

(5) "home state" means the state in which the child, immediately preceding the time involved, lived with the child's parents, a parent, or a person acting as parent, for at least six (6) consecutive months, and in the case of a child less than six (6) months old the state in which the child lived from birth with any of the persons mentioned. Periods of temporary absence of any of the named persons are counted as part of the six (6) month or other period;

(6) "initial decree" means the first custody decree concerning a particular child;

(7) "modification decree" means a custody decree which modifies or replaces a prior decree, whether made by the court which rendered the prior decree or by another court;

(8) "physical custody" means actual possession and control of a child;

(9) "person acting as parent" means a person, other than a parent, who has physical custody of a child and who has either been awarded custody by a court or claims a right to custody; and

(10) "state" means any state, territory, or possession of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SECTION 2. IC 31-19-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) A resident of Indiana who seeks to adopt a child less than eighteen (18) years of

age may, by attorney of record, file a petition for adoption with the clerk of the court having probate jurisdiction in the county in which:

- (1) the petitioner for adoption resides;
- (2) a licensed child placing agency or governmental agency having custody of the child is located; or
- (3) the child resides.

(b) The county in which the petition for adoption may be filed is a matter of venue and not jurisdiction.

(c) Subject to IC 31-19-9-3, if an individual who files a petition for adoption of a child:

- (1) decides not to adopt the child; or**
- (2) is unable to adopt the child;**

the petition for adoption may be amended or a second petition may be filed in the same action to substitute another individual who intends to adopt the child as the petitioner for adoption. The amended petition or second petition under this subsection relates back to the date of the original petition.

SECTION 3. IC 31-19-2.5-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 5. A notice served in accordance with IC 31-19-4 or IC 31-19-4.5 is valid regardless of whether the notice is served within or outside Indiana.**

SECTION 4. IC 31-19-3-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) A notice served in accordance with this chapter on a putative father who is a resident of Indiana is valid regardless of whether the notice is served within or outside Indiana.**

(b) A notice served in accordance with this chapter outside Indiana on a putative father who is not a resident of Indiana is valid if the child was conceived:

- (1) in Indiana; or**
- (2) outside Indiana, if the laws of the state in which the:**
 - (A) father:**
 - (i) is served notice; or**
 - (ii) resides; or**
 - (B) child was conceived;**

allow a paternity or similar action to be filed before the birth of a child.

SECTION 5. IC 31-19-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 3. (a) If:**

- (1) the mother of a child:**
 - (A) informs an attorney or agency arranging the child's adoption, on or before the date the child's mother executes a consent to the child's adoption, that the child was conceived outside Indiana; and
 - (B) does not disclose to the attorney or agency the name or address, or both, of the putative father of the child; and
- (2) the putative father of the child has:**
 - (A) failed or refused to consent to the adoption of the child or has not had the parent-child relationship terminated under IC 31-35 (or IC 31-6-5 before its repeal); and
 - (B) not registered with the putative father registry under IC 31-19-5 within the period under IC 31-19-5-12;

the attorney or agency shall serve notice of the adoption proceedings on the putative father by publication **in the same manner as a summons is served by publication** under Rule 4.13 of the Indiana Rules of Trial Procedure.

(b) The only circumstance under which notice to the putative father must be given by publication under Rule 4.13 of the Indiana Rules of Trial Procedure is when the child was conceived outside of Indiana as described in subsection (a).

SECTION 6. IC 31-19-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. If a putative father is entitled to notice under section 1, 2, or 3 of this chapter, upon:**

- (1) providing service of process in compliance with the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure for notice under section 1 or 2 of this chapter; or**
- (2) publication in compliance with the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure for notice under section 3 of this chapter;**

no further efforts to give notice to the putative father are necessary, regardless of whether the putative father actually receives the notice.

SECTION 7. IC 31-19-4.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1. This chapter:**

- (1) shall not be construed to affect notice of an adoption provided to a putative father under IC 31-19-4; and**
- (2) applies to a putative father who has abandoned, failed to support, or failed to communicate with a child.**

SECTION 8. IC 31-19-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 2. Except as provided in IC 31-19-2.5-4, if a petition for adoption alleges that consent to adoption is not required under IC 31-19-9-8, notice of the adoption must be given to the person from whom consent is allegedly not required under IC 31-19-9-8. Notice shall be given: under:**

- (1) in the same manner as a summons and complaint are served under Rule 4.1 of the Indiana Rules of Trial Procedure if the person's name and address are known; and or**
- (2) in the same manner as a summons is served by publication under Rule 4.13 of the Indiana Rules of Trial Procedure if the name or address of the person is not known; to a petitioner for adoption.**

SECTION 9. IC 31-19-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 12. (a) To be entitled to notice of an adoption under IC 31-19-3 or IC 31-19-4, a putative father must register with the state department of health under section 5 of this chapter not later than:**

- (1) thirty (30) days after the child's birth; or**
- (2) the earlier of the date of the filing of a petition for the:**
 - (A) child's adoption; or**
 - (B) termination of the parent-child relationship between the child and the child's mother;**

whichever occurs later.

(b) A putative father may register under subsection (a) before the child's birth.

SECTION 10. IC 31-19-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** A consent to adoption that does not name or otherwise identify a petitioner for adoption is valid if the consent to adoption contains a statement, by the person consenting to adoption, that the person consenting to adoption voluntarily executed the consent to adoption without disclosure of the name or other identification of the petitioner for adoption.

(b) A petitioner may be substituted under IC 31-19-2-2 if:

- (1) the consent to adoption executed by a child's mother contains a statement, by the mother consenting to adoption, that the mother voluntarily agrees that a petitioner for the adoption may be substituted without additional consent from the mother; or**
- (2) the mother executes a written consent to the substitution of a petitioner for the adoption.**

The mother's consent under this subsection is not conditional regardless of whether the mother consents or does not consent to the substitution of petitioners under this subsection.

SECTION 11. IC 31-19-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) A consent to adoption may be withdrawn not later than thirty (30) days after consent to adoption is signed if:

- (1) the court finds, after notice and opportunity to be heard afforded to the petitioner for adoption, that the person seeking the withdrawal is acting in the best interest of the person sought to be adopted; and
- (2) the court orders the withdrawal.

(b) A consent to adoption may not be withdrawn after:

- (1) thirty (30) days after the consent to adoption is signed;
- (2) the person who signs the consent to adoption appears, **in person or by telephonic communications or video conferencing**, before a court in which the petition for adoption has been or will be filed **and acknowledges that the person:**

- (A) understood the consequences of the signing of the consent to adoption;**
- (B) freely and voluntarily signed the consent to adoption; and**
- (C) believes that adoption is in the best interests of the person to be adopted; or**

(3) the person who signs the consent to adoption appears, **in person or by telephonic communications or video conferencing**, before a court of competent jurisdiction if the parent is outside of Indiana and acknowledges that the person:

- (A) understood the consequences of the signing of the consent to adoption;
- (B) freely and voluntarily signed the consent to adoption; and
- (C) believes that adoption is in the best interests of the person to be adopted;

whichever occurs first.

(c) If a hearing under this section is conducted by telephonic communication or video conferencing, the court shall ensure that the hearing is recorded.

SECTION 12. IC 31-35-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) If requested by the parents:

- (1) the county office of family and children; or
- (2) a licensed child placing agency;

may sign and file a verified petition with the juvenile or probate court for the voluntary termination of the parent-child relationship.

(b) The petition must:

- (1) be entitled "In the Matter of the Termination of the Parent-Child Relationship of _____, a child, and _____, the child's parent (or parents)"; and

(2) allege that:

- (A) the parents are the child's natural or adoptive parents;
- (B) the parents, including the alleged or adjudicated father if the child was born out of wedlock:
 - (i) knowingly and voluntarily consent to the termination of the parent-child relationship; or
 - (ii) are not required to consent to the termination of the parent-child relationship under section ~~6(b)~~ **6(c)** of this chapter;
- (C) termination is in the child's best interest; and
- (D) the petitioner has developed a satisfactory plan of care and treatment for the child.

SECTION 13. IC 31-35-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a) Except as provided in subsection (b),** the parents shall be notified of the hearing in accordance with IC 31-32-9.

(b) A parent who has made a valid consent to the termination of a parent-child relationship may waive the notice required by subsection (a) if the waiver:

(1) is in writing either:

- (A) in the parent's consent to terminate the parent-child relationship; or**
- (B) in a separate document;**

(2) is signed by the parent in the presence of a notary public; and

(3) contains an acknowledgment that:

- (A) the waiver is irrevocable; and**
- (B) the parent will not receive notice of:**
 - (i) adoption; or**
 - (ii) termination of parent-child relationship; proceedings.**

SECTION 14. IC 31-35-1-6, AS AMENDED BY P.L.130-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) Except as provided in subsection ~~(b)~~, **(c)**, the parents must give their consent in open court unless the court makes findings of fact upon the record that:

- (1) the parents gave their consent in writing before a person authorized by law to take acknowledgments; **and**
- (2) the parents were:
 - (A) advised in accordance with section 12 of this chapter; and**

(B) advised that if they choose to appear in open court, the only issue before the court is whether their consent was voluntary.

~~(3) the parents failed to appear.~~

(b) If:

(1) the court finds the conditions under subsection (a)(1) and (a)(2) have been met; and

(2) a parent appears in open court;

a court may consider only the issue of whether the parent's consent was voluntary.

~~(b)~~ **(c)** The consent of a parent to the termination of the parent-child relationship under this chapter is not required if:

(1) consent to the termination of the parent-child relationship is implied under section 4.5 of this chapter, if the parent is the putative father;

(2) the parent's consent to the adoption of the child would not be required under:

(A) IC 31-19-9-8;

(B) IC 31-19-9-9; or

(C) IC 31-19-9-10; or

(3) the child's biological father denies paternity of the child before or after the birth of the child if the denial of paternity:

(A) is in writing;

(B) is signed by the child's father in the presence of a notary public; and

(C) contains an acknowledgment that:

(i) the denial of paternity is irrevocable; and

(ii) the child's father will not receive notice of adoption or termination of parent-child relationship proceedings.

A child's father who denies paternity of the child under subdivision (3) may not challenge or contest the child's adoption or termination of the parent-child relationship.

SECTION 15. IC 31-35-1-12, AS AMENDED BY P.L.68-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. For purposes of sections 6 and 8 of this chapter, the parents must be advised that:

(1) their consent is permanent and cannot be revoked or set aside unless it was obtained by fraud or duress or unless the parent is incompetent;

(2) when the court terminates the parent-child relationship:

(A) all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, parenting time, or support pertaining to the relationship, are permanently terminated; and

(B) their consent to the child's adoption is not required;

(3) the parents have a right to the:

(A) care;

(B) custody; and

(C) control;

of their child as long as the parents fulfill their parental obligations;

(4) the parents have a right to a judicial determination of any alleged failure to fulfill their parental obligations in a proceeding to adjudicate their child a delinquent child or a child in need of services;

(5) the parents have a right to assistance in fulfilling their parental obligations after a court has determined that the parents are not doing so;

(6) proceedings to terminate the parent-child relationship against the will of the parents can be initiated only after:

(A) the child has been adjudicated a delinquent child or a child in need of services and removed from their custody following the adjudication; or

(B) a parent has been convicted and imprisoned for an offense listed in IC 31-35-3-4 (or has been convicted and imprisoned for an offense listed in IC 31-6-5-4.2(a) before its repeal), the child has been removed from the custody of the parents under a dispositional decree, and the child has been removed from the custody of the parents for six (6) months under a court order;

(7) the parents are entitled to representation by counsel, provided by the state if necessary, throughout any proceedings to terminate the parent-child relationship against the will of the parents; and

(8) the parents will receive notice of the hearing, **unless notice is waived under section 5(b) of this chapter**, at which the court will decide if their consent was voluntary, and the parents may appear at the hearing and allege that the consent was not voluntary.

SECTION 16. IC 34-24-3-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) If a prospective adoptive parent suffers pecuniary loss as a result of a violation of IC 35-46-1-9.5, the prospective adoptive parent may bring a civil action against a person who benefits from adoption related expenses in violation of IC 35-46-1-9.5, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-9.5. In an action under this subsection, a prospective adoptive parent may seek an award of the following:**

(1) Actual damages caused by the violation if the prospective adoptive parent has not been awarded damages under IC 35-46-1-9.5.

(2) An amount not to exceed three (3) times the amount of actual damages of the prospective adoptive parent suffering the loss.

(3) The costs of the action.

(4) A reasonable attorney's fee.

(b) A prospective adoptive parent may bring a civil action against a person who commits unauthorized adoption facilitation under IC 35-46-1-22, even if the person has not been prosecuted or convicted of the offense under IC 35-46-1-22. In an action under this subsection, a prospective adoptive parent may seek an award of the following:

(1) An amount not to exceed three (3) times the amount that the prospective adoptive parent paid for the adoption services provided to the prospective adoptive parent in the commission of unauthorized adoption facilitation under IC 35-46-1-22.

(2) The costs of the action.

(3) A reasonable attorney's fee.

SECTION 17. IC 34-24-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. It is not a defense to an action for punitive damages that the defendant is subject to criminal prosecution for the act or omission that gave rise to the civil action. However, a person may not recover both:

- (1) punitive damages; and
- (2) the amounts provided for under section 1 **or 1.5** of this chapter.

SECTION 18. IC 35-46-1-9, AS AMENDED BY P.L.145-2006, SECTION 371, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Except as provided in subsection (b), a person who, with respect to an adoption, transfers or receives any property in connection with the waiver of parental rights, the termination of parental rights, the consent to adoption, or the petition for adoption commits profiting from an adoption, a Class D felony.

(b) This section does not apply to the transfer or receipt of:

- (1) reasonable attorney's fees;
- (2) hospital and medical expenses concerning childbirth and pregnancy incurred by the adopted person's birth mother;
- (3) reasonable charges and fees levied by a child placing agency licensed under IC 31-27 or by a county office or the department of child services;
- (4) reasonable expenses for psychological counseling relating to adoption incurred by the adopted person's birth parents;
- (5) reasonable costs of housing, utilities, and phone service for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth;
- (6) reasonable costs of maternity clothing for the adopted person's birth mother;
- (7) reasonable travel expenses incurred by the adopted person's birth mother that relate to the pregnancy or adoption;
- (8) any additional itemized necessary living expenses for the adopted person's birth mother during the second or third trimester of pregnancy and not more than six (6) weeks after childbirth, not listed in subdivisions (5) through (7) in an amount not to exceed one thousand dollars (\$1,000); or
- (9) other charges and fees approved by the court supervising the adoption, including reimbursement of not more than actual wages lost as a result of the inability of the adopted person's birth mother to work at her regular, existing employment due to a medical condition, excluding a psychological condition, if:

- (A) the attending physician of the adopted person's birth mother has ordered or recommended that the adopted person's birth mother discontinue her employment; and
- (B) the medical condition and its direct relationship to the pregnancy of the adopted person's birth mother are documented by her attending physician.

In determining the amount of reimbursable lost wages, if any, that are reasonably payable to the adopted person's birth mother under subdivision (9), the court shall offset against the reimbursable lost wages any amounts paid to the adopted person's birth mother under

subdivisions (5) and (8) and any unemployment compensation received by or owed to the adopted person's birth mother.

(c) Except as provided in this subsection, payments made under subsection (b)(5) through (b)(9) may not exceed three thousand dollars (\$3,000) and must be disclosed to the court supervising the adoption. The amounts paid under subsection (b)(5) through (b)(9) may exceed three thousand dollars (\$3,000) to the extent that a court in Indiana with jurisdiction over the child who is the subject of the adoption approves the expenses after determining that:

- (1) the expenses are not being offered as an inducement to proceed with an adoption; and
- (2) failure to make the payments may seriously jeopardize the health of either the child or the mother of the child and the direct relationship is documented by a licensed social worker or the attending physician.

(d) The payment limitation under subsection (c) applies to the total amount paid under subsection (b)(5) through (b)(9) in connection with an adoption from all prospective adoptive parents, attorneys, and licensed child placing agencies.

~~(d)~~ (e) An attorney or licensed child placing agency shall inform a birth mother of the penalties for committing adoption deception under section 9.5 of this chapter before the attorney or agency transfers a payment for adoption related expenses under subsection (b) in relation to the birth mother.

~~(e)~~ (f) The limitations in this section apply regardless of the state or country in which the adoption is finalized.

SECTION 19. IC 35-46-1-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9.5. A person who is a birth mother, or a woman who holds herself out to be a birth mother, and who knowingly or intentionally benefits from adoption related expenses paid:

- (1) when the person knows or should have known that the person is not pregnant;
- (2) by or on behalf of a prospective adoptive parent who is unaware that at the same time another prospective adoptive parent is also **incurring paying** adoption related expenses described under section 9(b) of this chapter in an effort to adopt the same child; or
- (3) when the person does not intend to make an adoptive placement;

commits adoption deception, a Class A misdemeanor. In addition to any other penalty imposed under this section, a court may order the person who commits adoption deception to make restitution to a prospective adoptive parent, attorney, or licensed child placing agency that incurs an expense as a result of the offense.

SECTION 20. IC 35-46-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 21. (a) **Only a person that is an attorney licensed to practice law or a child placing agency licensed under the laws of any state or the District of Columbia may place a paid advertisement or paid listing of the person's telephone number, on the person's own behalf, in a telephone directory that:**

- (1) a child is offered or wanted for adoption; or**

(2) the person is able to place, locate, or receive a child for adoption.

(b) A person that publishes a telephone directory that is distributed in Indiana:

(1) shall include, at the beginning of any classified heading for adoption and adoption services, a statement that informs directory users that only attorneys licensed to practice law and licensed child placing agencies may legally provide adoption services under Indiana law; and
(2) may publish an advertisement described in subsection (a) in the telephone directory only if the advertisement contains the following:

(A) For an attorney licensed to practice law, the person's attorney number.

(B) For a child placing agency licensed under the laws of any state or the District of Columbia, the number on the person's child placing agency license.

(c) A person who knowingly or intentionally violates subsection (a) commits unauthorized adoption advertising, a Class A misdemeanor.

SECTION 21. IC 35-46-1-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) As used in this section, "adoption services" means at least one (1) of the following services that is provided for compensation, an item of value, or reimbursement, either directly or indirectly, and provided either before or after the services are rendered:

- (1) Arranging for the placement of a child.
- (2) Identifying a child for adoption.
- (3) Matching adoptive parents with biological parents.
- (4) Arranging or facilitating an adoption.
- (5) Taking or acknowledging consents or surrenders for termination of parental rights for adoption purposes.
- (6) Performing background studies on:
 - (A) a child who is going to be adopted; or
 - (B) adoptive parents.
- (7) Making determinations concerning the best interests of a child and the appropriateness in placing the child for adoption.
- (8) Post placement monitoring of a child before the child is adopted.

(b) As used in this section, the term "adoption services" does not include the following:

- (1) Legal services provided by an attorney licensed in Indiana.
- (2) Adoption related services provided by a governmental entity or a person appointed to perform an investigation by the court.
- (3) General education and training on adoption issues.
- (4) Post adoption services, including supportive services to families to promote the well-being of members of adoptive families or birth families.

(c) This section does not apply to the following persons:

- (1) The department of child services, an agency or person authorized to act on behalf of the department of child

services, or a similar agency in another state.

(2) The division of family resources, an agency or person authorized to act on behalf of the division of family resources, or a similar agency in another state.

(3) A county office of family and children in Indiana or a similar county office in another state.

(4) A child placing agency licensed under the laws of Indiana or another state.

(5) An attorney licensed to practice law in Indiana or another state.

(6) A prospective biological parent or adoptive parent acting on the individual's own behalf.

(d) A person who knowingly or intentionally provides, engages in, or facilitates adoption services to a birth parent or prospective adoptive parent who resides in Indiana commits unauthorized adoption facilitation, a Class A misdemeanor.

SECTION 22. [EFFECTIVE JULY 1, 2007] IC 35-46-1-21 and IC 35-46-1-22, both as added by this act, apply only to crimes committed after June 30, 2007.

(Reference is to ESB 534 as printed March 21, 2007.)

Lubbers, Chair

Battles

Broden

Frizzell

Senate Conferees

House Conferees

Roll Call 463: yeas 45, nays 0. Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1659:

Conferees:

Austin, Chair

Soliday

Advisors:

Mays, Niezgodski, and Buck

CLINTON MCKAY

Principal Clerk of the House

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1659:

Conferees: Jackman and Lanane

Advisors: Becker and Simpson

LONG

Date: 4/24/2007

Time: 2:43 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
CONFEEEE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 250:

Gard to replace Jackman as Chair

Hershman to replace Gard as advisor

LONG
Date: 4/24/2007
Time: 2:13 p.m.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on April 20, 2007, signed Senate Enrolled Acts: 271, 403, and 562.

DAVID C. LONG
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on April 24, 2007, signed Senate Enrolled Acts: 207 and 551.

DAVID C. LONG
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Engrossed Senate Bill 534.

LUBBERS

Motion prevailed.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1410:

Conferees: Hershman and Lanane

Advisors: Steele and Broden

LONG
Date: 4/24/2007
Time: 3:06 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1192:

Conferees: Gard and Tallian

Advisors: Bray and Simpson

LONG
Date: 4/24/2007
Time: 3:07 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, April 25, 2007.

LONG

Motion prevailed.

The Senate adjourned at 3:10 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate